

PUBLIC HEARING of the Town Council held Wednesday, April 25, 2007 at 7:27 P.M. in the Council Chamber, Town Building, Harrisville for and within the Town of Burrillville.

PRESENT: Council President Nancy F. Binns, Councilors Wallace F. Lees, Kevin M. Blais, Margaret L. Dudley, John M. Karmozyn Jr., Norman C. Mainville and Cynthia L. Roe

MEMBERS ABSENT: None

Relative to considering and acting upon declaring that Oak Hill Road in the Town of Burrillville is a Public Highway, and said Oak Hill Road is as set forth in that plan, entitled:

Right of Way Plan, Oak Hill Road, Burrillville, Rhode Island

Prepared for: Town of Burrillville, 105 Harrisville Main Street, Harrisville, Rhode Island 02830

Waterman Engineering Co., Civil Engineers/Surveyors – Est. 1894, 46 Sutton Avenue, East Providence, Rhode Island 02914, Date: 1/04/06

NOTES: Notice was personally sent to all abutting property owners by certified mail, in accordance with the provisions of RIGL §24-2-1. Notice of the hearing was advertised in the legal section of the Woonsocket Call on April 9, 16 and 23, 2007.

1. Legal analysis from Assistant Town Solicitor Walter J. Kane.

2. Testimony from Department of Public Works.

3. Testimony from Waterman Engineering Company

VOTED to waive items one, two and three.

Motion by Councilor Norman C. Mainville. Seconded by Councilor Margaret L. Dudley. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Kevin M. Blais, Margaret L. Dudley, John M. Karmozyn Jr., Norman C. Mainville and Cynthia L. Roe.

Point of Order: Michael C. Wood, Town Manager, asked the assistant solicitor whether there should be testimony relative to the road maintenance. Walter J. Kane, Town Solicitor, suggested that the testimony that was put forward during the public hearing relative to the acceptance of Angell Street apply to all of these roads (Angell Street, Maple Hill Road, Oak Hill Road and Walnut Hill Road).

Councilor Norman C. Mainville testified that it had been his experience that the Town of Burrillville had provided some maintenance to Angell St., Maple Hill Road, Oak Hill Road and Walnut Hill Road at least since the Blizzard of 1978. Paul R. Menard of Angell Street disagreed, stating that the State maintained those roads even after 1978, with the Town assuming maintenance much later. Councilor Mainville discussed snow removal and patching of the roads by the Town.

Paul Cahill, Highway Maintenance Supervisor, said that he had been a department employee for seventeen years. Mr. Cahill said that the Burrillville Department of Public Works plows, sands and sometimes grades the roads under discussion.

Kevin Cleary, Town Engineer, testified that Lake View Terrace is a town-accepted road and the Town has custodial responsibility for maintenance of Lake View Terrace. Mr. Cleary testified that the department uses Angell St. to access Lake View Terrace and has provided maintenance to the streets in the neighborhood.

Councilor Norman C. Mainville repeated that the Town had removed snow from Lake View Terrace at least since the Blizzard of 1978 and did use Angell Street. Councilor Mainville pointed out that when Angell Street was declared a public highway earlier in the evening, the declaration was in accordance with the revised plan, with the town-accepted portion of Angell St. ending at the tie-in to Lake View Terrace.

Councilor Norman C. Mainville said that it was his testimony that the Town had maintained those roads off-and-on at least since 1978. Paul R. Menard of Angell Street agreed with that representation.

Walter J. Kane, Assistant Town Solicitor, indicated that, based on the testimony, it would be appropriate for the Town Council to find that

there had been Town maintenance and that the roads are eligible to be accepted.

Paul R. Menard of Angell Street said that he did not want Angell Street past Lake View Terrace to be accepted. Councilor Norman C. Mainville said that the town-accepted portion of Angell Street ended at Lake View Terrace, as indicated on the plan presented during the public hearing.

4. Public Comment. There was no further public comment.

5. VOTED to close the public hearing.

Motion by Councilor Wallace F. Lees. Seconded by Councilor John M. Karmozyn, Jr. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Kevin M. Blais, Margaret L. Dudley, John M. Karmozyn Jr., Norman C. Mainville and Cynthia L. Roe.

6. VOTED that Oak Hill Road in the Town of Burrillville is declared a public highway:

**RESOLUTION DECLARING OAK HILL ROAD
IN THE TOWN OF BURRILLVILLE
A PUBLIC HIGHWAY**

The Town Council of the Town of Burrillville, acting pursuant to the authority granted to Town Councils by RIGL §24-2-1 et seq., hereby declares that Oak Hill Road in the Town of Burrillville is a Public Highway, said Oak Hill Road is set forth in the plan, entitled:

Right of Way Plan

Oak Hill Road

Burrillville, Rhode Island

Prepared for:

Town of Burrillville

105 Harrisville Main Street

Harrisville, Rhode Island 02830

Waterman Engineering Co.

Civil Engineers/Surveyors – Est. 1894

46 Sutton Avenue

East Providence, Rhode Island 02914

Date: 1/04/06

The Town Council finds that the lands constituting Oak Hill Road has been or shall be quietly, peaceably, and actually used and improved and considered as a public highway for the space of twenty (20) years and are declared by the Burrillville Town Council to be a public highway, and are taken and considered as public highways to all intents and purposes as fully and effectively as if lands had been laid out, recorded and opened by the Town Council of the Town of Burrillville.

Adopted as a resolution this 25th day of April 2007

Motion by Councilor Norman C. Mainville. Seconded by Councilor Margaret L. Dudley. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Kevin M. Blais, Margaret L. Dudley, John M. Karmozyn Jr., Norman C. Mainville and Cynthia L. Roe.

7. VOTED to adjourn at 7:33 P.M.

Motion by Councilor Norman C. Mainville. Seconded by Councilor John M. Karmozyn, Jr. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Kevin M. Blais, Margaret L. Dudley, John M. Karmozyn Jr., Norman C. Mainville and Cynthia L. Roe.

The hearing was taped. The tape is on file with the record of the hearing.

Louise R. Phaneuf, Town Clerk